

Amendments to the Drawings

Please replace the four drawing sheets currently on file containing Figures 1, 2 and 4 with the enclosed replacement drawing sheets containing amended Figures 1, 2 and 4.

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Claim Amendments

Claim 1 is amended to clarify the arrangement of the individuals, tables and to define groupings. Applicant notes that no additional features have been added and only clarifying language added. As such, the present amendments are believed to put the claims in a better form for reconsideration but do not necessitate a further search.

Claim 12 is amended consistent with claim 1. Dependent claims 2-11 and 13-22 are amended for consistency with amended claims 1 and 12.

No new subject matter is believed to have been added by way of these amendments.

Drawings

The drawings, in particular Figures 1, 2 and 4, have been objected to under 37 CFR 1.83(a) for failing to show certain elements. Each objection will be addressed in the order raised by the Examiner.

- a. This objection is moot as reference numerals "13a-13p" have been replaced in the specification with "13" where appropriate, which is clearly labeled in Figure 1.
- b. A block representation for the API has been added to Figure 2 in the form described on page 4, lines 24-26, and given reference numeral "17".
- c. Figure 1 is amended to include a representation for an "individual 12" to show the relationship between such individuals (also referred to as players) and the computers 13 in one embodiment.
- d. Applicant advises that the labels Table A, Table B etc. have always been in Figure 4. Labels 1, 2, 3 and 4 have been added where appropriate.
- e. Applicant respectfully disagrees with the Examiner and it is unclear on what basis this objection is being made. Figure 4 clearly shows and labels each element referred to in the description. In any event, reference numeral "12" has been added for each individual labeled A1, B1, C1 etc.

No new subject matter is believed to have been added by way of the above amendments.

In view of the above, Applicant believes that the Examiner's objections have been

overcome. Corrected drawing sheets in accordance with 37 CFR 1.121(d) are enclosed.

Specification

As outlined above, the specification has been amended to clarify the interactions between the individuals and the computers. Where appropriate, “player” has been replaced by “individual” for consistency in the embodiment described, and the reference numeral “12” has been added. Applicant is unclear as how such minor discrepancies render the disclosure “incomprehensible as to preclude a reasonable search” as it is believed that interchangeably using the terms “players” and “individuals” would be readily understandable to a person of skill in the art. However, the above amendments are believed to clarify how the individual can play the game using the input device connected to the computer, which is in turn connected to the network. Regarding the “computer players”, paragraph [0029] is amended to clarify the difference between a “computer-implemented” player (i.e. virtual player as suggested by the Examiner) and the individuals, who may or may not play against such computer-implemented players.

Applicant believes that the amendments made to the description serve to clarify the teachings for the Examiner, by providing consistent terminology. Applicant believes that the disclosure provides a clear description of embodiments of the claimed invention. In any event, Applicant invites the Examiner to contact the undersigned should they wish to discuss this issue any further or to further explain their position.

Claim Rejections – 35 U.S.C. 112

Claims 5 and 16 have been rejected under 35 U.S.C 112, second paragraph for being indefinite, specifically regarding the expression “the like-ranked players”. Applicant advises that in both claim 5 and claim 16, “the like-ranked players” has been replaced with “like-ranked individuals”. Applicant believes that such amendment overcomes the rejections under 35 U.S.C. 112, second paragraph.

Claim Rejections – 35 U.S.C. 102

Claims 1-22 have been rejected under 35 U.S.C. 102(a) as being anticipated by Saidakovsky (US 6,604,997). Applicant respectfully traverses the rejections as follows.

Saidakovsky teaches a method for providing a card tournament over a network that enables players to play against each other from different locations. However, as can be clearly seen in Figure 1, the players that are connected to the tournament host are not grouped as recited in claim 1.

Claim 1 recites “arranging said individuals into a plurality of groups”; “assigning said individuals to a plurality of tables...”; and “providing cards to said individuals...such that individuals assigned to positions with the same label at each table have the same cards”.

Saidakovsky does not arrange players into groups or assign players to different tables, let alone distribute cards as recited in claim 1. Saidakovsky is concerned with the nature of the game being played rather than the way in which players are arranged and how the cards are dealt. Saidakovsky is entirely silent regarding tournament play with multiple groups as claimed. Applicant believes that the amendments made to claim 1 serve to clarify these distinctions.

For at least this reason, Saidakovsky does not teach every element of claim 1 and thus cannot anticipate. Claim 12 includes similar features and thus similar argument equally apply. Claims 2-11 and 13-22 being ultimately dependent on either claim 1 or claim 12 are also believed to distinguish over Saidakovsky.

Double Patenting

Claims 1-22 have been rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,104,542. Applicant respectfully traverses the rejections as follows.

The ‘542 patent claims a gaming system and method of organizing a gaming tournament, whereas the present application is directed to a method and system for determining skill level. Although the present application and the ‘542 patent comprise some common principles, they are directed to entirely different aspects of gaming and thus are believed to be patentably distinct. Moreover, in the ‘542 patent, a game is played based on skill and there is no requirement that skill level be determined. As such, it is unclear how a method involving measuring skill as claimed in the present application (which is not required in the ‘542 patent) would have a broadening effect. Similarly, the game packages recited in the ‘542 patent are not required in the present claims.

Therefore, Applicant believes that the present claims are patentably distinct from those

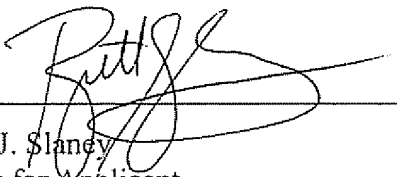
issued in the '542 patent and that the double patenting rejection is thereby improper.

Summary

In view of the foregoing, Applicant believes that all objections and rejections have been overcome and that claims 1-22 are in condition for allowance.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,


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